



Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

R.Chandhanu

... Petitioner

Vs.

1. Sharmila Palani

2. Sanjushree A.K.A.Shivani
(R2 / Minor represented by her mother
and natural Guardian Sharmila.P)

... Respondents

Prayer : Criminal Revision filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for records and set aside the order, dated 30.11.2022 passed in M.P.No.901 of 2021 in M.C.No.240 of 2021 on the file of the II Additional Family Court, Chennai.

For Petitioner : Mr.V.G.Anbarasu

For Respondents : Mr.Ajay francis Inigo Loyola

ORDER

Challenging the orders, dated 30.11.2022 in M.P.No.901 of 2021 in M.C.No.240 of 2021 on the file of the II Additional Family Court, Chennai, the present Criminal Revision is filed.

Page 1 of 6



Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

WEB COPY

2. The respondents filed a petition under Section 125 of Cr.P.C., seeking maintenance in M.C.No.240 of 2021 and during the pendency of the said petition, filed M.P.No.901 of 2021 under Section 125 (2) of Cr.P.C., seeking direction to the present revision petitioner to pay a sum of Rs.20,000/- towards interim maintenance for herself and her minor daughter Sanjushree A.K.A.Shivani.

3. The case of the respondents is that the marriage between the present revision petitioner and the first respondent was solemnized on 15.02.2019 at M.A.Mahal, Kodungaiyur, Muthamilnagar, Chennai as per Hindu rites and customs and out of the said wedlock, a female child was born to them. It is the further contention of the first respondent that after marriage, they were residing along with her in-laws. However she left the matrimonial home as she was physically and mentally tortured by her in-laws as well as by the revision petitioner. Her further contention is that when she left the matrimonial home, she was pregnant for three months and thereafter she delivered a female child, the second respondent herein. Thereafter, she filed a petition in O.P.No.2632 of 2021 under Section



Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

WEB COPY

13(1)(i-a) of the Hindu Marriage Act, 1955 praying to dissolve the marriage solemnized between the petitioner and the first respondent on the ground of cruelty. Though the revision petitioner filed a counter, subsequently gave consent for granting a decree of divorce and accordingly divorce was granted by the learned II Additional Principal Judge, Chennai vide his orders dated 16.05.2022. The 1st respondent had also filed a maintenance application in M.C.No.240 of 2021 seeking maintenance and M.P.No.901 of 2021 for granting interim maintenance.

4. The II Additional Principal Family Judge, Chennai allowed the said petition and directed the present revision petitioner to pay a sum of Rs.20,000/- per month to his wife and child from the date of filing of the petition i.e, 09.06.2021 till the disposal of M.C.No.240 of 2021.

5. Mr.V.G.Anbarasu, learned counsel for the petitioner contended that the first respondent is employed in a private company and that the present petitioner need not pay any maintenance to her.



Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

WEB COPY

6. Mr.Ajay Francis Inigo Loyola, learned counsel for the respondents contended that the divorce petition filed by the first respondent before the II Additional Principal Family Court, Chennai was allowed since the revision petitioner has given consent for the dissolution of marriage. According to the learned counsel for the respondents, the revision petitioner is bound to maintain his wife and child and that he is a software developer, earning a sum of Rs.80,000/- per month.

7. In reply, the learned counsel for the revision petitioner contended that at present the revision petitioner is not working anywhere and therefore he is not in a position to maintain the respondents.

8. It is seen from the records that subsequent to the filing of the maintenance case, the present revision petitioner seems to have resigned his job. However, it is settled law that a husband is bound to maintain his wife and child as per law. As the revision petitioner does not have any defect or deformity which prevents him from working, he is bound to pay maintenance to his wife and child. A perusal of the records shows that



Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

the present revision petitioner is a software developer and is working in M/s.FIS Global solutions, earning a sum of Rs.80,000/- per month. In the circumstances, the learned II Additional Family Principal Judge, Chennai was right in awarding a sum of Rs.20,000/- per month towards interim maintenance, considering the financial status of the revision petitioner and the first respondent. Therefore, I do not find any infirmity in the orders passed by the learned II Additional Principal Family Judge, Chennai. This Criminal Revision is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

02.08.2023

Index: Yes/No
Speaking/Non-Speaking order
vum

To

The II Additional Principal Family Judge, Chennai.



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Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

R. HEMALATHA, J.

vum

Crl.R.C.No.796 of 2023 and
Crl.M.P.No.6156 of 2023

02.08.2023